

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5085 of 2019

- Mohammad Aarif S/o Shri Mohammad Mansoor, Aged About 38 Years, R/o RawatpuraMatpuraina, Police Station Tikrapara, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Gol Bazaar, Civil and Revenue District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Sunil Verma, Advocate.

For Non-applicant/State – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26-02-2019 in connection with Crime No.225/2012 registered at P.S. - Gol Bazar, Raipur, Civil and Revenue District Raipur, Chhattisgarh for the offence under Section 147, 148, 149, 307, 326, 324, 325, 294, 506 of the IPC and 25, 27 of Arms Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 26-02-2019. This applicant has not committed any offence. He was present on the spot because that was his working place and he was not one of the associates of the other accused persons who have assaulted and injured the victims of this case. Therefore, he has been falsely implicated. He is ready to abide by all the conditions imposed for grant of bail. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident 15-07-2012 a meeting was held at Nayapara mosque in Raipur regarding accounts of the mosque. It is alleged that during meeting a dispute arose in which co-accused Javed Nana assaulted and injured one victim Sheikh Saleemuddin with knife and at the same time Salam Rizavi assaulted with fists and caused injuries to Aminuddin and thereafter he assaulted Shiekh Nasimuddin with knife causing injuries to him. The allegation against this applicant is this, that he was present along with the main accused persons as a member of unlawful assembly. Hence, this case.

6. Considered on the entire material present in the case diary. The case is presently pending for trial, further, there is no allegation against this applicant regarding making any assault or causing any injury to any person, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge